

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BARBARA ZINNAMON,

Plaintiff,

-against-

BRIDGE SECURITY SERVICES, INC.,

Defendant.

NOT FOR PRINT OR
ELECTRONIC PUBLICATION

MEMORANDUM
AND ORDER

08-CV-1398 (ARR)

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BARBARA ZINNAMON,

Plaintiff,

08-CV-1399 (ARR)

-against-

N.Y.C. BOARD OF EDUCATION/DEPT OF
EDUCATION,

Defendant.

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ROSS, United States District Judge:

A. Docket Number 08-CV-1398

On March 27, 2008, plaintiff Barbara Zinnamom, appearing *pro se*, filed this action against defendant Bridge Security Services, Inc., alleging employment discrimination. By Opinion and Order dated November 10, 2008, the court granted defendant's motion to dismiss the case pursuant to Fed. R. Civ. P. 12(b)(6) and dismissed plaintiff's employment discrimination claims with prejudice. On November 14, 2008, the Clerk of Court entered judgment. Plaintiff did not file a notice of appeal. On February 3, 2009, plaintiff submitted an "Amended Complaint" dated January 23, 2009. By order dated February 9, 2009, the court declined to grant reconsideration, liberally construing plaintiff's "Amended Complaint" as an attempt to alter the court's order dismissing the complaint and declined to take any further action.

Eight months later, plaintiff now submits a portion of the same “Amended Complaint” dated January 23, 2009 along with other papers in an attempt to show that she filed a motion for extension of time and notice of appeal dated November 19, 2008. However, there is no record on the court’s docket that plaintiff filed this or any document on November 19, 2008, and plaintiff’s papers do not show any marking that it was received or filed by the Clerk’s Office. In any event, such a document would not have been necessary since the judgment was entered on November 14, 2008 and so plaintiff would have been timely had she filed a notice of appeal. To the extent plaintiff seeks to file a late notice of appeal, this court has no jurisdiction to extend the time to file a notice of appeal under Fed. R. App. P. 4(a)(5). See Cohen v. Empire Blue Cross and Blue Shield, 142 F.3d 116, 118 (2d Cir. 1998) (per curiam) (“The district court, however, lacks jurisdiction to grant any extension motion that is not filed with Rule 4(a)(5)’s 30-day grace period”) (citation and internal quotation omitted). This court will not take any further action in this case.

B. Docket Number 08-CV-1399

On March 28, 2008, plaintiff Barbara Zinnamon, appearing *pro se*, filed this action against defendant alleging employment discrimination. By Opinion and Order dated October 7, 2008, the court granted defendant’s motion to dismiss the case pursuant to Fed. R. Civ. P. 12(b)(6) and dismissed plaintiff’s employment discrimination claims with prejudice. On October 8, 2008, the Clerk of Court entered judgment. On October 20, 2008, plaintiff filed a notice of appeal.

Plaintiff now submits an “Amended Complaint” dated January 26, 2009, which consists of page one of the court’s employment discrimination form, a letter dated August 6, 2009 from the Clerk’s Office, a notice of right to sue dated January 24, 2008 and a letter to the court dated July 24, 2008. By memorandum endorsement dated November 4, 2008, the Honorable Lois Bloom, United States Magistrate Judge, declined to take action on plaintiff’s January 24, 2008 letter.

There is no record on the court's docket that this "Amended Complaint" or any other document was filed with the court on January 23, 2009. In any event, this case is closed and any attempt to file an "Amended Complaint" is improper.

Conclusion

As these cases are closed, no action shall be taken on these submissions entitled "Amended Complaint." Plaintiff is directed to refrain from filing "Amended Complaints" in these closed cases. Defendants are not required to respond to either submission. The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *informa pauperis* status is denied for the purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/S/

Allyne R. Ross
United States District Judge

Dated: October 27, 2009
Brooklyn, New York

SERVICE LIST:

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cc: Magistrate Judge Lois Bloom